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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,257	07/28/2003	Donald Naples		6698

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EXAMINER

ELEY, TIMOTHY V

ART UNIT PAPER NUMBER

3724

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/629,257

Applicant(s)

NAPLES, DONALD

Examiner

Timothy V. Eley

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3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,8,10,12,13 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,10,12 and 18-23 is/are allowed.
- 6) ☒ Claim(s) 3 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Allowable Subject Matter***

1. The indicated allowability of claims 3 and 13 is withdrawn in view of the newly discovered reference to Hansen(2,699,791).

Rejections based on the newly cited reference follow.

2. Claims 8, 10, 12, and 18-23 are allowed.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kane(1,956,686) in view of Hansen(2,699,791).

- Kane is explained beginning on page 2 of the office action mailed February 8, 2005.
- Kane does not disclose a disc which is color coded to indicate a grit of the abrasive sheet, wherein the disc is positioned between the abrasive sheet and the platen.
- Hansen discloses that it is well known in the art to provide an abrasive layer 12 which is attached above a color coded layer in order to distinguish between different abrasive products. See column 2, lines 37-62.
- Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Kane device by providing a color coded layer

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underneath the abrasive sheet as taught by Hansen in order to distinguish between different abrasive sheets. It would have been obvious to one having ordinary skill in the art to make the color coded layer in the form of a disc in order to duplicate the shape of the abrasive sheet.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olbrich(5,295,328) in view of Kane as applied to claim 9 in the rejection beginning on page 6 of the office action mailed February 08, 2005, and further in view of Hansen.

- Olbrich, as modified, does not disclose a disc which is color coded to indicate a grit of the abrasive sheet, wherein the disc is positioned between the abrasive sheet and the platen.
- Hansen discloses that it is well known in the art to provide an abrasive layer 12 which is attached above a color coded layer in order to distinguish between different abrasive products. See column 2, lines 37-62.
- Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have further modified the Olbrich device by providing a color coded layer underneath the abrasive sheet as taught by Hansen in order to distinguish between different abrasive sheets. It would have been obvious to one having ordinary skill in the art to make the color coded layer in the form of a disc in order to duplicate the shape of the abrasive sheet.

#### **Conclusion**

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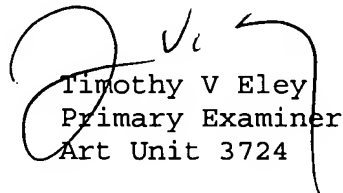
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Young et al(3,703,739) discloses color coded abrasive pads.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Timothy V Eley  
Primary Examiner  
Art Unit 3724

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